

REMARKS

The Office Action mailed July 20, 2006 considered claims 13-23, 33, 34, and 51-73. Claims 15, 33 were objected to because of various informalities. Claims 53-60 were objected to under 37 CFR 1.75(c) as being in improper form. Claims 63-72 were objected to under 37 CFR 1.75(c) as being in improper form. Claims 61, 62 were objected to because of various informalities.

Claims 55, 65 and 73 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 13-16, 23, 33, 34 were rejected under 35 U.S.C. 102(e) as being anticipated by *Ward, III et al.* (US 6,756,997) hereinafter *Ward*. Claims 51, 52, 53-54, 56/51, 53-54, 56/52, 63-64, 66, 71, 72/61, 63-64, 66, 71, 72/62, 73 were rejected under 35 U.S.C. 102(e) as being anticipated by *Akhavan et al.* (US 2005/0229210) hereinafter *Akhavan*. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Ward* in view of *Schaffer et al.* (US 6,704,931) hereinafter *Schaffer*. Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Ward* in view of *Akhavan*. Claim 19-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Ward* in view of *Akhavan* and further in view of *Rashkovskiy et al.* (US 2004/0034867) hereinafter *Rashkovskiy*. Claims 55/51, 55/52, 65/61, 65/62 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Akhavan* in view of *Schein et al.* (US 2002/0129366) hereinafter *Schein*. Claims 57-60/51, 57-60/52, 67-70/61, 67-70/62 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Akhavan* in view of *Ward*.

Claims 13-23 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as the claims 1-11 of copending Application No. 11/241,662. Claim 33 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/241,662 in view of *Ward*.¹

By this paper, claims 13-23, 33, 55, 65 and 73 have been cancelled, claims 51-54, 56-58, 61-64, 66-68, and 71 have been amended, and new claims 74-89 have been added such that claims 51-54, 56-64, 66-72, and 74-89 remain pending, of which only claims 51, 52, 61, and 62 are independent claims.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

CLAIM OBJECTIONS

Claims 15, 33 were objected to because of informalities. Claims 15 and 33 have been cancelled.

Claims 53-60 were objected to under 37 CFR 1.75(c) as being in improper form as being a multiple dependent claim not referring in the alternative to only one set of claims. Claim 55 has been cancelled. Claims 53, 54, and 56-60 have been amended, and new claims 74 through 80 have been added.

Claims 63-72 were objected to under 37 CFR 1.75(c) as being in improper form as being a multiple dependent claim not referring in the alternative to only one set of claims. Claim 65 has been cancelled. Claims 63, 64, and 66-72 have been amended. New claims 81-89 have been added.

Claims 61, 62 were objected to because of the following informalities: Claims 61 and 62 recite "at least first slice" and then recite "the first slice" and "said first slice." The Office assumes "the first slice" and "said first slice" to be –the at least first slice—and—said at least first slice. Claim 64 has been cancelled. Claims 61 and 62 have been amended.

CLAIM REJECTIONS UNDER 35 USC 112

Claims 55, 65 and 73 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 55, 65 and 73 have been cancelled.

CLAIM REJECTIONS UNDER 35 USC 102

The application is generally directed to using scrolling commands to increase the amount of an electronic program guide (EPG) that is displayed together with a television program. For example, the claims of the present application recite expanding the displayed number of slices on a slice-by-slice basis, the slices representing a channel identifier, programming information, and one or more time periods, or expanding the displayed number of time elements on a time element-by-time element basis by scrolling towards a new slice that is not currently viewable to a viewer or by scrolling towards a new time element that is not currently viewable by a viewer. New slices and time elements can be added to the existing slices of the EPG, to expand the EPG, until a predefined number of slices and/or time elements are reached.

Akhavan simply does not teach this functionality. While *Akhavan* does teach displaying program information with video, *Akhavan* does not teach expanding the displayed number of slices or time elements. Rather, *Akhavan* teaches a constant number of records, but allows for

scrolling by allowing records to be substituted for other records. For example, at paragraphs [0034] and [0035], *Akhavan* teaches that a user navigates the EPG grid 90 illustrated in Figure 5. When a user selects records that are not currently displayed, a new grid 90a illustrated in Figure 6 is displayed, which contains the new selected record. Careful examination of Figures 5 and 6 illustrates that the grid 90 is replaced by grid 90a and not expanded on a slice-by-slice or time element-by-time element basis. Specifically in Figure 5, grid 90 includes 12 records, which are replaced by the 12 records of grid 90a when a user selects a record that is not currently displayed. Thus, no net increase in the number of grid elements is taught.

The other art cited by the Examiner does not compensate for the deficiencies of *Akhavan* and are cited by the Examiner for showing various features of the dependent claims. However, while not necessary, Applicants would specifically like to point out the differences between the claims of the present application and *Ward*. While *Ward* does illustrate changing the size of windows and other user interface features, this re-sizing is compared to resizing that might be accomplished when resizing functional windows in a computer system operating environment. See Col. 14, lines 12-17, col. 3, lines 9-12 and col. 7, lines 7-14. However, *Ward* specifically fails to disclose expanding on a slice-by-slice basis or time element-by-time element basis. Rather, while the display of *Ward* may increase the number of grid elements displayed, it is not done on a slice by slice basis, but rather on a window size basis. Additionally, *Ward* fails to disclose that the expansion is a result of scrolling commands as is specifically recited in the claims of the present application. *Ward's* increase is as a result of window resizing and not scrolling.

PROVISIONAL REJECTION UNDER 35 USC 101

Claims 13-23 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as the claims 1-11 of copending Application No. 11/241,662. Claim 33 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/241,662 in view of *Ward*. Claims 13-23 and 33 have been canceled.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of

the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 20th day of October, 2006.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
J. LAVAR OLDHAM
Registration No. 53,409
Attorneys for Applicant
Customer No. 047973

JCJ:JLO:crb:ahy
AHY0000001791V001